

REMARKS

The examiner is thanked for indicating that claims 31-34 and 37-40 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Examiner's Response to Arguments

In page 6 of the Office Action, the Examiner contends that the feature upon which Applicant relies on are not being supported by the specification and not being recited in the rejected claim. In response, Applicant respectfully submits the following:

According to MPEP 2173.02, it is stated that definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teaching of the prior art; and
- (C) The claim interpretation that would be given one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Further, to MPEP 2173.02 also states that a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible, and that acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.

As recited in claim 29, for example, the present invention is directed to a vibration motor comprised of, among other features, a motor body, and a motor shaft (i.e., spindle 12) projecting from the motor body (e.g., external housing case 3 or 13 of the motor). The vibration motor further includes an eccentric weight (i.e., 16), and attachment means (i.e., holder 33 a holder that covers the outside of the external housing case 3 or 13 of the motor), wherein the attachment means has a pair of attachment faces (i.e., 33e).

As correctly understood by the Examiner, the limitation motor body includes housing case 3 or 13. Therefore, as positively claim 29 recites a vibration motor comprised of a motor body, and as supported in previously amended Figs. 3 and 4, Applicant respectfully submits that the attachment means with the pair of attachment faces in fact are a part of the vibration motor without any ambiguity or lack of support as alleged by the Examiner.

2. Rejection under 35 U.S.C. §102(b)

With respect to the repeated rejection of claims 29-30 and 35-36 under 35 U.S.C. §102(b) as being anticipated by Narusawa (US 6,081,055), Applicant respectfully traverses the rejection at least for the reason that Narusawa fails to describe each and every limitation recited in the rejected claims.

Narusawa describes that a motor's metal holder frame 30 is fixed to a circuit board 100. That is, the holder frame 30 is fixed to the circuit board 100 by the holder frame's bulge portion 38 on a bottom plate portion 32 and soldering the metal holder frame 30 to the circuit board 100. A motor 20 is mounted onto the holder frame.

In contrast with Narusawa, Applicant's vibration motor having attachment means with attachment faces supporting the motor body, thus, the vibration motor, in a horizontal posture at one surface of a circuit board, as recited in, e.g., claim 29, does not rely on soldering to secure the attachment means to the board.

Further, with respect to Narusawa, the "U shape" configuration composed of two opposing curved attachment rails 33 shown in Figs. 3B and 3C appear to easily allow the motor to be out of place, while Applicant's attachment means having a pair of attachment faces secures firmly the vibration motor to the circuit board.

Applicant's claimed invention is at least advantageous over Narusawa in that there is no need for a metal holder frame to hold a motor, there is no need for securing the metal holder frame to a circuit board with soldering, and the motor is not easily displaced as in the use of Narusawa "U shape" metal holder frame.

In view of the arguments set forth above, Applicant respectfully requests the Examiner to consider Narusawa in its entirety as set forth in MPEP 2141.02(VI). Further, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claims 29-30 and 35-36 and the objection to dependent claims 31-34 and 37-40, as Narusawa fails to disclose each and every claimed features of the present invention.

3. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 29-40 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,

/Donald R. Studebaker/
Donald R. Studebaker
Reg. No. 32,815

Studebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston, Virginia 20191
(703) 390-9051
Fax: (703) 390-1277
don.studebaker@sbpatentlaw.com